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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,646	07/24/2001	Steve Walrath	APPDATA.001A	7751
20995 7590 05/11/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER POLLACK, MELVIN H	
			ART UNIT 2145	PAPER NUMBER
			NOTIFICATION DATE 05/11/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/912,646	Applicant(s) WALRATH, STEVE	
	Examiner Melvin H. Pollack	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.
2. The examiner has accepted the additional amendment and remarks.
3. Old art rejections have been withdrawn.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 19-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. They comprise mere software per se, and further include non-statutory transmission embodiments.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4, 8-11, 13, 17-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bocionek et al. (6,801,227).

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8. Bocionek teaches a method and system (abstract) of providing bundles of electronic pages for viewing on Microsoft Explorer browser (col. 1, line 1 – 3, line 25; col. 8, lines 10-20), wherein a server on a network (col. 3, line 25 – col. 4, line 35) provides software controls and electronic HTML pages in response to a client request (col. 4, line 35 – col. 5, line 6), substantially simultaneously (col. 5, lines 6-25). The software controls comprise tabs that hide and display pages (Figs. 4-7; col. 5, line 25 – col. 7, line 5), provide storage for data that may be shared between different pages (col. 7, lines 5 – 38), and allow data to be read at certain intervals (col. 7, line 38 – col. 8, line 10).

9. Claims 1, 10, 19 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gauthier et al. (6,948,134).

10. Gauthier teaches a method and system (abstract) of using a spreadsheet program to place electronic pages into tab formats (col. 1, line 1 – col. 9, line 25), wherein a client requests page information from a server (col. 9, line 25 – col. 10, line 53) and said data is received and hidden until a tab object causes it to be displayed (col. 10, line 53 – col. 13, line 35).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bocionek as applied to claims 1 and 10 above, and further in view of Alcazar et al. (7,069,507).

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13. Bocionek does not expressly disclose that the components comprise the Microsoft HTML parsing and rendering engine. Alcazar teaches a method and system (abstract) of providing interactive documents (col. 1, line 1 – col. 3, line 35; col. 21, line 1 – col. 22, line 10), that includes this limitation (col. 10, line 30 – col. 21, line 67). At the time the invention was made, one of ordinary skill in the art would have added the engine to allow for better interaction between the pages (col. 6, lines 40-55).

14. Claims 5-7 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bocionek as applied to claims 1 and 10 above, and further in view of Austin (7,134,085).

15. Bocionek does not expressly disclose the use of Active X controls, although tabs are disclosed, as shown above. Austin teaches a method and system (abstract) of providing page-hiding and displaying GUIs (col. 1, line 1 – col. 11, line 55; col. 34, line 60 – col. 36, line 5), including tabs as Active-X controls (col. 18, line 38 – col. 19, line 3). At the time the invention was made, one of ordinary skill in the art would have added controls to simplify platform issues (col. 2, lines 45-55).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They regard further teachings on tabbed browsing, tabbed spreadsheets/accounting programs, and parsing and rendering engines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melvin H Pollack
Examiner
Art Unit 2145

MHP
07 May 2007

